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HUMAN RIGHTS COMMITTEE
Seventy-fourth session

List of issues prepared in the absence of the second periodic report of the State party, due on 2 August 1985

Constitutional framework within which the Covenant is implemented (art. 2)

1. Please provide information on the status of the Covenant in domestic jurisdiction. May Covenant provisions be invoked directly before the domestic courts in Suriname? If so, have there been any recent relevant examples? Please give details of any pertinent cases.

2. What has the State party done to implement the Committee's findings in its Views on communications 146/1983 and 148-154/1983 (Baboeram et al. v. Suriname), adopted in April 1985?

3. What judicial avenues are available to individuals under the jurisdiction of the State party to obtain effective redress for serious violations of human rights committed by past administrations?

4. Has Presidential Decree No. PB 13/98, establishing a Committee to Prepare an Institution Charged with Investigating Violations of Human Rights in Suriname ("Intelling en benoeming 'Commissie' Voorbereiding Institutie Mensenrechten") of 16 April 1998, been implemented? In the affirmative, please describe its mandate, powers and progress of work.

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Derogation from Covenant provisions (art. 4)

5. Please clarify how article 23 of the Constitution, which allows, inter alia, for limitations of rights guaranteed in the Constitution (and corresponding to provisions of the Covenant) on the ground of "public morals and public order", is considered compatible with article 4 of the Covenant.

Right to life and prevention of torture (arts. 6 and 7)

6. What, if any, progress has been made with investigations into the execution in 1982 of 15 opposition politicians and the extrajudicial execution in 1986 of many civilians in the village of Moiwana? Please describe the efforts undertaken so far in this respect and indicate whether expiration of the statute of limitation, which in theory would have occurred in December 2000 in respect of the first event, would prevent prosecution of those implicated in the December 1982 murders.

7. Please provide comments on allegations of serious overcrowding in virtually all of the State party's detention facilities and penitentiaries, and that conditions of detention in the older penitentiaries amount to inhuman and degrading treatment within the meaning of article 7 of the International Covenant on Civil and Political Rights.

8. The State party is invited to comment on allegations that there have been, and continue to be, instances of police ill-treatment of detainees, particularly during arrest, and of abuse of prisoners by prison guards, including sexual abuse of women detainees. Do law enforcement officers and prison officials receive any training in relation to international human rights standards?

9. The Committee has been informed that prisoners detained in the Santo Boma prison and the so-called P.I.D prison have been subject to beatings by prison guards, especially at the P.I.D prison between 1996 and 1998. Please provide detailed information about these cases and clarify whether those held responsible for the beatings have been prosecuted or face prosecution.

Freedom from slavery and slavery-like practices (art. 8)

10. Please provide information about legislation in place, if any, to combat trafficking in persons. What practical measures does the State party take to prevent trafficking in women and girls for prostitution?

Security of person, freedom from arbitrary arrest and treatment of prisoners (art. 9)

11. The law provides that the police may detain a person for investigation for up to 14 days if that person is suspected of committing a crime for which the sentence exceeds four years. During this time, the law provides for the possibility of incommunicado detention. How frequently is this possibility used and how is it considered compatible with article 9 of the Covenant?

12. Please provide information on the procedure for producing detainees before a judge or judicial officer. Within what deadlines must arrested individuals be produced before a judge? If these deadlines are not respected in judicial practice, please explain the reason(s). Please also provide information about the procedure for granting bail to detained persons and the percentage of cases in which bail is actually granted.

13. The Committee has been informed that minor girls are frequently detained together with adult women. Please explain how this practice is considered compatible with article 10? What, if any, measures are taken to avoid this problem?

Right to a fair trial, independence of the judiciary (art. 14)

14. Have any steps been taken to set up the Constitutional Court provided for in article 144 of the Constitution?

15. Please give information as to how the right of an accused person to legal representation is safeguarded in practice. Are those unable to afford their own legal representation assigned counsel free of charge?

Freedom of opinion and expression (art. 19)

16. Please clarify allegations that some of the State party's printed media practise self-censorship and the reasons underlying such alleged practice, as well as about alleged harassment and intimidation of journalists.

Freedom of assembly and association (arts. 21 and 22)

17. Please elaborate on comments that the State party seeks to enforce the law of 1956 which required public meetings and other assemblies in the district of Paramaribo to obtain prior authorization for assemblies and demonstrations. How is this practice considered compatible with article 21 of the Covenant?

Right to participate in public affairs and non-discrimination (arts. 3, 25 and 26)

18. Please indicate what measures are being taken to improve the low representation of women in Parliament, in high public office and in other positions of responsibility, in both the public and private sectors, in law and in practice? Please provide detailed statistics.

19. The legal age of consent in Suriname is 21 years, but according to the Asian Marriage Law, applying to children of Asian descent, it is 13 for girls and 15 for boys. Please explain how this very low age of consent and the difference in the age of consent for girls and boys are compatible with the Covenant. Please also explain how the differentiation between Asian and non-Asian citizens in this context is considered compatible with article 26 of the Covenant.

20. Please comment on the allegations that violence against women and domestic violence is a common occurrence and that few cases reported to the authorities are thoroughly investigated and prosecuted. What measures is the State party taking to address this problem? How are law enforcement officials sensitized to this issue?

21. What measures is the State party taking to ensure that the Maroons (descendants of former slaves) and Amerindians can effectively participate in the political process and take part in public affairs? Do these groups of the population have equal access to public services, such as health services and primary education?

Rights of minorities (arts. 1 and 27)

22. How do the so-called Peace Accord of Lelydorp (1992) and the Buskondre Dey Protocol (enacted through Presidential Decree of 2001) effectively protect the rights of indigenous people and Maroons to their own means of subsistence and the title to their lands against mining and logging carried out by, and environmental devastation attributed to, foreign companies? What are the measures in place, if any, that would enable those groups to participate in decisions affecting their lands, culture, traditions and natural resources?

Dissemination of the Covenant and the Optional Protocol (art. 2)

23. Has the State party taken any measures to educate public officials, law enforcement and judicial officers, the legal profession and the general public about the provisions of the Covenant? Have similar educational measures been taken in respect of the provisions of the Optional Protocol to the Covenant?

24. Are all NGOs that engage in human rights monitoring on the State party's territory able to operate without constraints and able freely to disseminate information about the provisions of the International Covenant on Civil and Political Rights and the Optional Protocol?